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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/015,026 | 12/11/2001 | Gautam Bhargava | VIAL001 | 6332 |

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| EXAMINER |
|---|
| GAUTHIER, GERALD |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2645 | |

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No | | Applicant(s) | |
|---|---|---|---|---|
| **Office Action Summary** | 10/015,026 | | BHARGAVA ET AL. | |
| | **Examiner** | | **Art Unit** | |
| | Gerald Gauthier | | 2645 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>09/22/2003</u> .

2a)☒ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ . |
|---|---|
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) ☐ Other: . |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.      **Claims 1-8, 12-13, 15-16, 19-20, 28-29, and 31-32** are rejected under 35

U.S.C. 102(b) as being anticipated by Lennig et al. (US 5,479,488).

Regarding **claim 1**, Lennig discloses an apparatus for automation of directory

assistance using speech recognition (column 1, lines 9-11), (which reads on claimed "a

system for providing voice activated access to information from a plurality of data

sources and voice repositories in a single phone call session"), the system comprising:

a telephony platform (33 on FIG. 2);

a speech recognizer (14 A on FIG. 2) for recognizing user's voice commands

(column 5, lines 40-48);

a multi-level voice grammars (column 5, line 42 "vocabulary") that spans relevant

contexts for all data sources and voice repositories (column 5, lines 40-48) [The voice

processing unit employ the flexible vocabulary and a priori probabilities for assisting the

calls], the multi-level voice grammar including:

means for identifying the contexts of the recognized commands (column 6, lines 19-33) [The caller selects the language and based on the calling number the voice processing unit sets probabilities to determine the locality];

means for identifying data sources and voice repositories pertaining to the identified contexts (column 6, lines 19-33) [The locality lexicon comprises the names of localities to be determined]; and

means for identifying information desired by the user, the identified information pertaining to the identified contexts (column 6, lines 51-67) [The voice processor determines from the locality names the telephone number desired by the user];

a plurality of extractors (column 5, line 49 "priori probabilities") for accessing the identified information from the identified data sources and voice repositories (column 5, lines 49-53) [The priori probability is using the calling number to be used to weight the speech recognition result]; and

an interpreter (23 on FIG. 2) for parsing the voice commands recognized using the speech recognizer and the multi-level voice grammars and controlling the telephony platform and the extractors for accessing the requested information (column 5, lines 16-31) [The controller prompts the customer to speak information into the sys tem to initiate the appropriate action].

Regarding **claim 2**, Lennig discloses wherein the telephony platform provides a point of presence for placing phone calls to the system (column 5, lines 9-15).

Regarding **claim 3**, Lennig discloses wherein the telephony platform supports various standard telephony features (column 5, lines 9-15).

Regarding **claim 4**, Lennig discloses wherein the voice grammars support main and auxiliary voice commands (column 5, lines 32-38).

Regarding **claim 5**, Lennig discloses wherein the voice grammars support many languages (column 6, lines 1-11).

Regarding **claim 6**, Lennig discloses wherein each of the plurality of extractors is specific to a particular data source and voice repository (column 6, lines 19-33).

Regarding **claim 7**, Lennig discloses wherein the plurality of extractors are activated by the server (column 6, lines 34-53).

Regarding **claim 8**, Lennig discloses wherein the plurality of extractors extract information from the data sources and voice repositories (column 6, lines 34-53).

Regarding **claim 12**, Lennig discloses wherein the interpreter controls the telephony platform for placing outbound calls, putting the calls on hold, and later reconnecting with the calls put on hold (column 5, lines 1-15).

Regarding **claim 13**, Lennig discloses wherein the interpreter redirects

information to peripheral devices (column 4, lines 42-55).


Regarding **claim 15**, Lennig discloses a method for automation of directory

assistance using speech recognition (column 1, lines 9-11), (which reads on claimed "a

method for providing voice activated access to a plurality of data sources and voice

repositories in a single phone call session"), the method comprising the steps of:

logging on by a user (column 5, lines 62-65) [It determines whether or not the

number is known];

recognizing voice commands issued by the user (column 6, lines 1-4) [The reply

is compared with a lexicon of languages] including the steps of:

identifying the contexts of the recognized commands (column 6, lines 19-

33) [The caller selects the language and based on the calling number the voice

processing unit sets probabilities to determine the locality];

identifying data sources and voice repositories required to be accessed

using the identified contexts (column 6, lines 19-33) [The locality lexicon

comprises the names of localities to be determined]; and

identifying information desired by the user, the information pertaining to

the identified contexts (column 6, lines 51-67) [The voice processor determines

from the locality names the telephone number desired by the user];

interpreting the voice commands (column 6, lines 1-11) [The system prompt the

caller to choose the language to use to interpret the caller's commands];

extracting the identified information from the identified data sources and voice

repositories (column 6, lines 19- 33) [The locality name is determined using the locality

lexicon that comprise the names of the localities]; and

presenting the extracted information to the user (column 6, lines 34-53) [The

system prompt the caller for the city and presented the fro the information on the city].


Regarding **claims 16 and 29**, Lennig discloses placing a call to a telephony

platform by the user (column 5, lines 1-15);

holding the call on an incoming leg by the telephony platform (column 5, lines 1-

15);

creating an outbound leg by the telephony platform to a server (column 5, lines 1-

15); and

authenticating the user (column 5, lines 62-65).

Milewski teaches directing extractors for a VoiceXML stream for authenticating

the user (column 3, lines 33-46);


Regarding **claims 19 and 31**, Lennig discloses wherein the recognizing step

comprises matching the voice commands with voice grammars (column 5, lines 40-48).


Regarding **claims 20 and 32**, Lennig discloses parsing the received information

(column 5, lines 54-61); and

directing the information to a server that activates the relevant extractor (column 5, lines 54-61).

Regarding **claim 28**, Lennig discloses a method for automation of directory assistance using speech recognition (column 1, lines 9-11), (which reads on claimed "a computer program product for providing voice activated access to information from a plurality of data sources and voice repositories in a single phone call session"), the computer program product (14 on FIG. 2) embodied on one or more computer readable media (column 4, lines 35-41) and comprising:

a computer readable program code means for logging by a user (column 5, lines 62-65) [It determines whether or not the number is known];

a computer readable program code means for recognizing voice commands issued by the user (column 6, lines 1-4) [The reply is compared with a lexicon of languages], the computer program code means including:

computer readable program code means for identifying the contexts of the recognized commands (column 6, lines 19-33) [The caller selects the language and based on the calling number the voice processing unit sets probabilities to determine the locality];

computer readable program code means for identifying data sources and voice repositories required to be accessed, using the identified contexts(column 6, lines 19-33) [The locality lexicon comprises the names of localities to be determined]; and

computer readable program code means for identifying information

desired by the user, the identification being done using the identified

contexts(column 6, lines 51-67) [The voice processor determines from the locality

names the telephone number desired by the user];

a computer readable program code means for interpreting the voice commands

(column 6, lines 1-11) [The system prompt the caller to choose the language to use to

interpret the caller's commands];

a plurality of computer readable program code means for extracting the identified

information from the identified data sources and voice repositories (column 6, lines 19-

33) [The locality name is determined using the locality lexicon that comprise the names

of the localities]; and

a computer readable program code means for presenting the extracted

information to the user (column 6, lines 34-53) [The system prompt the caller for the city

and presented the fro the information on the city].

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      This application currently names joint inventors.  In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary.  Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.      **Claims 9-11, 14, 17, 21-27 and 33-38** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lennig in view of Milewski et al. (US 6,501,834).


Regarding **claim 9**, Lennig as applied to **claim 8** differs from **claim 9**, in that it

fails to disclose a VoiceXML generator.

However, Milewski teaches wherein the extracted information is passed to a

VoiceXML generator (column 3, lines 33-46).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use a VoiceXML generator of Milewski in the invention of Lennig.

The modification of the invention would offer the capability of a VoiceXML

generator such as the system would render the associate information when it sent.


Regarding **claim 10**, Milewski teaches wherein the VoiceXML generator converts

the information into a VoiceXML stream (column 3, lines 33-46).


Regarding **claim 11**, Milewski discloses wherein the interpreter has a VoiceXML

parser for parsing the VoiceXML streams (column 3, lines 33-46).


Regarding **claim 14**, Milewski teaches wherein the interpreter controls a text to

speech software to read back the VoiceXML stream to the user (column 3, lines 33-46).


Regarding **claim 17**, Milewski teaches wherein the directing step is done using

Hyper Text Transfer Protocol (column 3, lines 33-46).


Regarding **claim 21**, Milewski teaches wherein the directing step uses the Hyper

Text Transfer Protocol (column 3, lines 33-46).


Regarding **claims 22 and 33**, Lennig discloses activating the extractors to

extract the information from the data sources and voice repositories (column 5, lines 54-

61); and

Lennig fails to disclose a VoiceXML Generator.

However, Milewski teaches converting the extracted information to a VoiceXML stream by a VoiceXML Generator (column 3, lines 33-46).

Regarding **claims 23 and 34**, Milewski teaches parsing the VoiceXML stream by an interpreter (column 3, lines 33-46); and

performing an actionable step (column 3, lines 33-46).

Regarding **claims 24 and 35**, Milewski teaches wherein the performing step further comprises reading the VoiceXML stream to the user using text to speech engine (column 3, lines 33-46).

Regarding **claims 25 and 36**, Lennig discloses wherein the performing step further comprises emailing the extracted information to a user specified address (column 6, lines 34-53).

Regarding **claims 26 and 37**, Lennig discloses wherein the performing step further comprises faxing the extracted information to a user specified number (column 6, lines 34-53).

Regarding **claims 27 and 38**, Lennig discloses wherein the interpreter controls the telephony platform for placing outbound calls, putting the calls on hold, and later reconnecting with the calls put on hold (column 5, lines 1-15).

6.     **Claims 18 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lennig in view of Son et al. (US 6,212,408).


Regarding **claims 18 and 30**, Lennig as applied to **claims 16 and 29** differs from

**claims 18 and 30**, in that it fails to disclose a password and a user-id.

However, Son teaches querying the user for a password and a user-id (column 8,

lines 21-36); and

verifying the password and user-id entered by the user (column 8, lines 21-36).

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use a password and a user-id of Milewski in the invention of

Lennig.

The modification of the invention would offer the capability of a password and a

user-id such as the system would render the associate information when it sent.


### Response to Arguments

7.     Applicant's arguments with respect to **claims 1-38** have been considered but are

moot in view of the new ground(s) of rejection.

## *Conclusion*

8.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-

0981.  The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (703) 305-4895.  The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9306 for

regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

4800.

g.g.
December 14, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600